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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/874,982	06/07/2001	Itomi Homma	209551US2	5546

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EXAMINER

HU, JINSONG

ART UNIT PAPER NUMBER

2154

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/874,982

Applicant(s)

HOMMA ET AL.

Examiner

Jinsong Hu

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4, 7, 12 and 17 is/are allowed.
- 6) ☒ Claim(s) 5,6,8-11,13-16 and 18-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/22/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

Art Unit: 2154

### DETAILED ACTION

1. Claims 1-21 are presented for examination. Claims 1-2, 3, 5, 7-8, 12-13 and 17-18 have been amended.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 5-6, 8-11, 13-16 and 18-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Berke (US 6,629,092).

4. As per claims 5 and 6, Berke teaches the invention as claimed including a portable terminal [col. 4, line 66 – col. 5, line 2] used by an information demander when obtaining article information provided by an information provider via a mediate apparatus comprising an interface section to which the information demander inputs a desire for an article as demand information potentially including a keyword and which outputs information provided from the information provider in response to the demand

Art Unit: 2154

information [12, 14, Fig. 1; 28 & 29, Fig. 3; Fig. 4; col. 2, lines 38-45; col. 3, lines 23-25; col. 5, lines 44-51; col. 10, lines 3-10].

5. As per claim 8, Berke teaches the invention as claimed including a method, in which an information demander obtains article information from an information provider [12, 14, Fig. 1] via a mediate apparatus [col. 1, lines 5-12], comprising the steps of:

inputting a desire for an article to a potable terminal as demand information potentially including a keyword by the information demander [col. 3, lines 23-25; col. 4, line 66 – col. 5, line 2]; and  
receiving information from said information provider, the information being provided from the information provider and corresponding to said demand information [col. 5, line 66 – col. 6, line 27; col. 8, line 59 – col. 9, line 3].

6. As per claim 9, Berke teaches the demand information is at least one of character information, image information and voice information [col. 5, line 66 – col. 6, line 27].

7. As per claim 10, Berke teaches the demand information is transmitted to said mediate apparatus together with terminal identification information [col. 6, lines 24-27; col. 7, line 66 – col. 8, line 5].

Art Unit: 2154

8. As per claim 11, Berke teaches the terminal identification information is at least one of a telephone number, a mail address and an account (a user ID) [i.e., user account and related information in the server, col. 4, line 66 – col. 5, line 11].

9. As per claims 13-16, since they are program claims of claims 8-11, they are rejected for the same basis as claims 8-11 above.

10. As per claims 18-21, since they are program claims of claim 8-11, they are rejected for the same basis as claims 8-11 above.

#### ***Allowable Subject Matter***

11. Claims 1-4, 7, 12 and 17 are allowed.

#### ***Conclusion***

12. Applicant's arguments with respect to claim 5-6, 8-11, 13-16 and 18-11 have been fully considered but they are not deemed to be persuasive.

13. In the remarks, applicant argued in substance that Burke not disclosing delivering the demand information to the information provider via a mediate apparatus as the limitation in claims 5-6, 8-11, 13-16 and 18-11.

Art Unit: 2154

14. Examiner respectfully traverses applicant's remarks, because there is no language in claims 5-6, 8-11, 13-16 and 18-11 direct to such limitation. Furthermore, the search engine in Burke's reference could cooperate with the information provider, i.e., two parties can be integrated in one apparatus. Thus, the rejections for claims 5-6, 8-11, 13-16 and 18-11 still maintained.

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP §706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

16. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinsong Hu whose telephone number is (571) 272-3965. The examiner can normally be reached on 8:00 AM - 5:30 PM.

Art Unit: 2154

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jinsong Hu

May 27, 2005



VIET D. VU  
PRIMARY EXAMINER